

REMARKS

1. In response to the Office Action mailed February 19, 2010, Applicants respectfully request reconsideration. Claims 41-46, 48, 50-54, 57-65, 67-69, 80, 82-84, 87 and 89-100 were last presented for examination. In the outstanding Office Action, claims 41-46, 48, 50-54, 57-65, 67-69, 80, 82-84 and 92-98 have been rejected, and claims 87, 89-91, 99 and 100 have been deemed allowable. By the foregoing Amendments, claims 42, 48, 53, 57, 58, 60, 65, 80, 83, 92, 94, 96, 97 and 99 have been amended, and claims 63 and 64 have been cancelled. Thus, upon entry of this paper, claims 41-46, 48, 50-54, 57-62, 65, 67-69, 80, 82-84, 87 and 89-100 will be pending in this application. Of these thirty-nine (39) claims, four (4) claims (claims 92, 94, 97 and 99) are independent.

2. Based upon the above Amendment and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered and withdrawn.

Interview Summary

3. Applicants thank the Examiner for the telephonic interviews conducted with Applicants' representatives on May 12, 2010 and May 14, 2010 in relation to the captioned application. During the interviews, Applicants' representatives and the Examiner discussed U.S. Patent No. 6,272,382 to Faltys et al. (hereinafter, "Faltys") and proposed claim amendments designed to clarify the differences between Faltys and the claimed subject matter. In the second interview, the Examiner indicated that claims 92, 94 and 97, as amended above, distinguish over Faltys. Applicants thank the Examiner for this indication.

Allowable Subject Matter

4. Applicants thank the Examiner for indicating the allowability of the subject matter recited in Applicants' claims 87, 89-91 and 99-100. Applicants have amended claim 99 above to correct a minor informality therein.

Claim Rejections under §102

5. The Examiner rejected claims 41, 42, 45, 46, 48, 50, 51, 57, 58, 61-65 and 92-98 under 35 U.S.C. 102(b) as allegedly anticipated by Faltys. Applicants respectfully request reconsideration and withdrawal of these rejections for at least the following reasons.

Claim 92

6. As amended, Applicants' claim 92 recites, in part, "a housing configured to be implanted in a recipient and having therein a receiver coil and a receiver/stimulator package substantially aligned along a longitudinal axis, wherein the receiver/stimulator package is configured to output stimulation signals and is disposed outside a circumference of the coil." (*See*, Applicants' claim 92, above.)

7. Faltys discloses a cochlear implant system. (*See*, Faltys, Abstract.) Specifically, Faltys discloses "an implanted cochlear stimulator (ICS) module 10," which "has the general appearance of a large button." (*See*, Faltys, col. 16, lns. 5-6 and 13-14; and FIGS. 4A-4C.) Module 10 has a clamshell-like housing having a top shell 82, a bottom shell 83, and an inner shell 84 disposed in bottom shell 83. (*See*, Faltys, col. 16, lns. 19-26.) Faltys discloses that "the ICS module 10 includes ICS circuitry 14" and discloses that "electronic circuitry, e.g., an integrated circuit 86" is mounted inside shells 82 and 84. (*See*, Faltys, col. 12, lns. 54-55; and col. 16, lns. 33-34; and FIG. 4C.) As illustrated in FIG. 4C, Faltys also discloses a "coil 20 used by the ICS module 10" that is disposed outside of the shells and on an outwardly protruding flange of shell 82. (*See*, Faltys, col. 16., lns. 20-21 and 49-51; and FIG. 4C.)

8. In the Office Action, the Examiner asserts that coil 20 of Faltys is equivalent to the "receiver coil" recited in Applicants' claim 92, and asserts that "ICS circuitry 14 including integrated circuitry 86" is equivalent to the "receiver/stimulator package" recited in Applicants' claim 92.

9. Applicants submit that, as illustrated in FIGS. 4B and 4C of Faltys, Faltys discloses an integrated circuit 86 disposed within the circumference of coil 20, and not "a housing . . . having therein a receiver coil and a receiver/stimulator package substantially aligned along a longitudinal axis, wherein the receiver/stimulator package . . . is disposed outside a

circumference of the coil.” (*See*, Applicants’ claim 92, above.) For at least this reason, Applicants respectfully request that this rejection of Applicants’ claim 92 be reconsidered and withdrawn.

Claim 94

10. As amended, Applicants’ claim 94 recites, in part, “a housing configured to be implanted in a recipient and having therein a receiver coil and a receiver/stimulator package substantially aligned along a longitudinal axis, wherein the receiver/stimulator package is configured to output stimulation signals and is disposed outside a circumference of the coil.” (*See*, Applicants’ claim 94, above.)

11. For at least a reason similar to the reason discussed above in relation to Applicants’ claim 92, Applicants respectfully request that this rejection of claim 94 be reconsidered and withdrawn. Specifically, Applicants submit that Faltys fails to disclose “a housing . . . having therein a receiver coil and a receiver/stimulator package substantially aligned along a longitudinal axis, wherein the receiver/stimulator package . . . is disposed outside a circumference of the coil.” (*See*, Applicants’ claim 94, above.) As such, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 97

12. As amended, Applicants’ claim 97 recites, in part, “a housing configured to be implanted in a recipient and having therein a receiver coil and a receiver/stimulator package substantially aligned along a longitudinal axis, wherein the receiver/stimulator package is configured to output stimulation signals and is disposed outside a circumference of the coil.” (*See*, Applicants’ claim 97, above.)

13. For at least a reason similar to the reason discussed above in relation to Applicants’ claim 92, Applicants respectfully request that this rejection of claim 97 be reconsidered and withdrawn. Specifically, Applicants submit that Faltys fails to disclose “a housing . . . having therein a receiver coil and a receiver/stimulator package substantially aligned along a longitudinal axis, wherein the receiver/stimulator package . . . is disposed outside a

circumference of the coil.” (See, Applicants’ claim 97, above.) As such, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Dependent claims

14. The dependent claims incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicants respectfully assert that the dependent claims are also allowable over the art of record.

Conclusion

15. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

16. Applicants make no admissions by not addressing any outstanding rejections or bases of rejections. Furthermore, Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Any cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicants reserve the right to pursue such claims in a continuation or divisional application.

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Respectfully submitted,

Electronic signature: /Michael G. Verga/
Michael G. Verga
Registration No.: 39,410
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant